

**REMARKS**

This response is intended as a full and complete response to the non-final Office Action mailed July 15, 2005. In the Office Action, the Examiner notes that claims 1-9 and 21-28 are pending and rejected. The Applicants have herein amended claims 1, 6, 8, 21, 24-25, and 27-28.

In view of the following discussion, Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Thus, Applicants believe that all of these claims are now in allowable form.

It is to be understood that Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response.

**Rejection under 35 U.S.C. §103****Claims 1-2, 4-6, 8-9, 21-25 and 27-28**

The Examiner has rejected claims 1-2, 4-6, 8-9, 21-25 and 27-28 under 35 U.S.C. §103(a) as being unpatentable over Shoff et al. (U.S. Patent No. 6,240,555, "Shoff") in view of Biliris et al. (U.S. Patent No. 5,684,539, "Biliris"). Applicants respectfully traverse the rejection.

In general, Shoff teaches an interactive entertainment system for presenting supplemental interactive content. As taught in Shoff, the existence of a supplemental content data stream over a dedicated channel indicates that a program being received on a selected channel is interactive. (Shoff, Abstract). Shoff teaches that a back channel enables communication from the subscriber to the headend, permitting the viewer to send requests and instructions to the headend to facilitate interactive control. (Shoff, Col. 4, Lines 58-61). Furthermore, as depicted in FIG. 5 of Shoff, Shoff teaches that the viewer computing unit includes a first tuner for receiving a video data stream and a second receiver for receiving the supplemental content.

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Shoff, however, fails to teach or suggest a terminal processor for receiving an information request from a user and, in response thereto, instructing a tuner to switch from selecting a channel on which a selected video program is being transmitted to selecting a channel on which the requested information is transmitted. Furthermore, Shoff fails to teach or suggest that the terminal processor instructs the tuner to revert to selecting the downstream channel on which the selected video program is being transmitted. Specifically, Applicants' claim 1 recites:

A system for broadcasting information over a television distribution network comprising:

a) a network headend for accessing information from one or more sources, and broadcasting said information, at least a portion of said information associated with a plurality of video programs;

b) a plurality of downstream channels interfaced to said headend for transmitting a selected one of said video programs and said information; and

c) a plurality of terminal devices for receiving said downstream channels, each said terminal device including:

1) a tuner for receiving and selecting said downstream channels; and

2) a terminal processor for receiving an information request from a user, and in response thereto, instructing said tuner to:

switch from selecting one of said downstream channels on which said selected video program is transmitted to selecting, via one-way hyperlinking, one of said downstream channels on which said requested information is being transmitted from said headend; and

revert to selecting said one of said downstream channels on which said selected video program is being transmitted for concurrently displaying said selected video program and said requested information.

[Emphasis added.]

Applicants' invention of at least claim 1 teaches a system in which a video program and requested information may be displayed concurrently at a terminal device using a single tuner. A terminal processor is adapted for receiving an information request from a user and instructing the tuner to switch from selecting the channel on which the video program is transmitted to selecting the channel on which the requested information is transmitted, and instructing the tuner to revert to the channel on which the video program is transmitted. Thus, Applicants' invention of at least claim 1 teaches a system in which a video program and requested information is displayed concurrently at

a terminal device using a single tuner, without requiring communication from the terminal processor to the headend from which the requested information is provided.

By contrast, Shoff teaches a viewer computing unit (as depicted in FIG. 5 of Shoff) using two tuners for receiving a video data stream and supplemental content, respectively. In particular, Shoff teaches a first tuner for receiving the video data stream and a second tuner (or a modem) for receiving the supplemental content. (Shoff, Fig. 5; Col. 8, Lines 10-18). Shoff, however, fails to teach or suggest instructing a tuner to switch from selecting a channel on which a selected video program is being transmitted to selecting a channel on which the requested information is transmitted. Similarly, Shoff fails to teach or suggest instructing the tuner to revert to selecting the downstream channel on which a selected video program is being transmitted.

Rather, since Shoff teaches use of two tuners operating to receive the video data stream and the supplemental content, respectively, there is no need in the Shoff system to switch from selecting the channel on which the video program is transmitted to selecting the channel on which the requested information is transmitted, as taught in Applicants' invention of at least claim 1. Instead, using the two tuners, the viewer computing unit taught in Shoff is able to select the video data stream and supplemental content streams simultaneously. Similarly, since Shoff teaches use of two tuners, and since Shoff fails to teach or suggest the switching limitation, there is also no need in the Shoff system to revert to the channel on which the video program is transmitted. As such, not only does Shoff fail to teach or suggest the switching and reverting limitations of Applicants' invention of at least claim 1, but the two-tuner system taught in Shoff actually obviates any need for the switching and reverting limitations of Applicants' invention of at least claim 1. Thus, the two-tuner system taught in Shoff teaches away from the switching and reverting limitations of Applicants' invention of at least claim 1.

Furthermore, although Shoff mentions a viewer computing unit using a single tuner, Shoff is still completely devoid of any teaching or suggestion of instructing the tuner to switch from selecting a channel on which a selected video program is being transmitted to selecting a channel on which the requested information is transmitted. Similarly, Shoff is completely devoid of any teaching or suggestion of instructing the tuner to revert to selecting the downstream channel on which the selected video

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program is being transmitted. Rather, Shoff merely states that "the digital data is packaged with the video stream and transmitted as one signal from the headend. The viewer computing unit receives the single signal at tuner 98 and separates the digital signal from the video signal..." (Shoff, Col. 10, Lines 20-24).

As such, even if a single tuner is used, Shoff still teaches that the video stream and supplemental content is transmitted as one signal. By contrast, as taught in Applicants' invention of at least claim 1, the video program and requested information are transmitted using a plurality of downstream channels. The transmission of video data and supplemental content in one signal, as taught in Shoff, is not transmission of a video program and information using a plurality of downstream channels, as taught in Applicants' invention of at least claim 1. Furthermore, separation of a video stream and supplemental information from a single stream, as taught in Shoff, is simply not switching from selecting one of a plurality downstream channels on which a selected video program is transmitted to selecting one of the downstream channels on which requested information is being transmitted from said headend; and reverting to selecting the downstream channel on which the selected video program is being transmitted, as taught in Applicants' invention of at least claim 1.

Moreover, although Shoff mentions a viewer computing unit using a single tuner, the system taught in Shoff still requires communication from the viewer computing unit to the headend in order to request the supplemental content. Specifically, Shoff teaches use of a back channel enabling communication from the subscriber to the headend, permitting the viewer to send requests and instructions to the headend to facilitate interactive control. (Shoff, Col. 4, Lines 58-61). By contrast, Applicants' invention of at least claim 1 enables concurrent displaying of a video program and requested content without requiring communication to the headend by selecting one of a plurality of downstream channels providing requested information. Thus, even a Shoff system having a viewer computing unit using a single tuner, the Shoff system is still completely different from Applicants' invention of at least claim 1, and would still fail to teach or suggest switching from selecting the channel on which the video program is transmitted to selecting the channel on which the requested information is transmitted,

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and instructing the tuner to revert to the channel on which the video program is transmitted, as taught in Applicants' invention of at least claim 1.

Furthermore, Biliris fails to bridge the substantial gap as between Shoff and Applicants' invention of at least claim 1. In general, Biliris teaches a multimedia on-demand server including a randomly accessible library of multimedia programs. As taught in Biliris, the on-demand server uses a restricted retrieval strategy and a storage allocation scheme to enable different portions of programs to be continuously retrieved and selectively routed to a large number of on-demand viewers. The on-demand server taught in Biliris responds to viewer-generated commands, such as fast-forward, rewind and pause, to control the viewing of a program. (Biliris, Abstract).

Biliris, however, fails to teach or suggest at least the limitations of "a terminal processor for receiving an information request from a user, and in response thereto, instructing said tuner to: switch from selecting one of said downstream channels on which said selected video program is transmitted to selecting, via one-way hyperlinking, one of said downstream channels on which said requested information is being transmitted from said headend; and revert to selecting said one of said downstream channels on which said selected video program is being transmitted for concurrently displaying said selected video program and said requested information," as taught in Applicants' invention of at least claim 1.

Biliris is completely devoid of any teaching or suggestion of supplementing a video program with requested information. Biliris is completely devoid of any teaching or suggestion of a plurality of downstream channels for transmitting a selected video program and information associated with at least a portion of a plurality of video programs. Furthermore, Biliris is also be devoid of any teaching or suggestion of switching from selecting one of a plurality of downstream channels to another one of the plurality of downstream channels, as well as reverting to the selected one of the plurality of downstream channels, much less performing such switching and reverting of Applicants' invention of at least claim 1 for concurrently displaying a selected video program and requested information, as taught in Applicants' invention of at least claim 1. As such, Biliris fails to teach or suggest Applicants' invention as a whole.

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Therefore, since both Shoff and Biliris fail to teach or suggest at least the limitations of "a terminal processor for receiving an information request from a user, and in response thereto, instructing said tuner to: switch from selecting one of said downstream channels on which said selected video program is transmitted to selecting, via one-way hyperlinking, one of said downstream channels on which said requested information is being transmitted from said headend; and revert to selecting said one of said downstream channels on which said selected video program is being transmitted for concurrently displaying said selected video program and said requested information," Shoff and Biliris, alone or in combination, must fail to teach or suggest Applicants' invention as a whole.

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather, the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 U.S.P.Q. 1021, 1024 (Fed. Cir. 1984) (emphasis added). Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 U.S.P.Q. 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added). Shoff and Biliris, either alone or in combination, fail to teach or suggest Applicants' invention as a whole.

As such, Applicants submit that independent claim 1 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, independent claim 21 recites features substantially similar to the features of claim 1. As such, for at least the same reasons described with respect to claim 1, Applicants submit that independent claim 21 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder.

As such, Applicants submit that independent claims 1 and 21 are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Furthermore claims 2, 4-6, 8-9, 22-25 and 27-28 depend, either directly or indirectly, from independent claims 1 and 21 and recite additional features therefor. Accordingly, for at least the same reasons as discussed above with respect to independent claims 1 and 21, dependent claims 2, 4-6, 8-9, 22-25 and 27-28 also are non-obvious and fully

satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, Applicants respectfully request that the rejection be withdrawn.

### **Claims 3, 7 and 26**

The Examiner has rejected claims 3, 7 and 26 under 35 U.S.C. §103(a) as being unpatentable over Shoff in view of Biliris in further view of Eyer et al. (U.S. Patent No. 5,982,445, hereinafter "Eyer"). Applicants respectfully traverse the rejection.

For at least the reasons discussed above with respect to the Examiner's rejection of claims 1 and 21, Applicants submit that independent claims 1 and 21 are non-obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable over Shoff in view of Biliris. Claims 3, 7 and 26 depend directly or indirectly from independent claims 1 and 21, and therefore, for at least the same reasons, these dependent claims are non-obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable over Shoff in view of Biliris. Furthermore, Eyer fails to bridge the substantial gap between Shoff and Biliris and Applicants' invention.

In general, Eyer teaches a hypertext markup language (HTML) protocol for providing textual and graphical displays on a television screen. The on-screen display devices enable users to invoke hyperlinks to different pages of HTML-coded data and control television functions and programming options, such as purchasing pay-per-view programming. (Eyer, Abstract). Furthermore, Eyer discloses use of on-screen display options for controlling television display options such as aspect ratio, brightness, and picture-in-picture, as well as associated appliance functions.

Eyer, however, fails to teach or suggest Applicants' invention of at least claims 1 and 21, as a whole. Namely, Eyer is completely devoid of any teaching or suggest of at least the limitations of "a terminal processor for receiving an information request from a user, and in response thereto, instructing said tuner to: switch from selecting one of said downstream channels on which said selected video program is transmitted to selecting, via one-way hyperlinking, one of said downstream channels on which said requested information is being transmitted from said headend; and revert to selecting said one of said downstream channels on which said selected video program is being transmitted

for concurrently displaying said selected video program and said requested information," as taught in Applicants' invention of at least claims 1 and 21.

Rather, Eyer is primarily directed toward control functions that are provided to a user through a hypertext markup language, as well as the details of the syntax of the HTML. Although Eyer is directed toward using HTML for providing interactive textual and graphical displays on a television, Eyer merely teaches that the receiver has an input for receiving a video programming signal and an input for receiving a data signal coded according to a hypertext markup language. Eyer is completely devoid of any teaching or suggestion of the downstream channels as taught in Applicants' invention of claims 1 and 21, much less switching between downstream channels as taught in Applicants' invention of claims 1 and 21. As such, Shoff, Biliris, and Eyer, either singly or in combination, fail to teach or suggest Applicants' invention as a whole.

As such, Applicants submit that independent claims 1 and 21 are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable over Shoff, Biliris and Eyer, singly or in combination. Furthermore claims 3, 7 and 26 depend, either directly or indirectly, from independent claims 1 and 21 and recite additional features thereof. Accordingly, at least for the same reasons as discussed above with respect to independent claims 1 and 21, dependent claims 3, 7 and 26 also are non-obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, Applicants respectfully request that the rejection be withdrawn.



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**CONCLUSION**

Thus, Applicants submit that none of the claims, presently in the application, is obvious under the provisions of 35 U.S.C. §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Michael Bentley at (732) 383-1434 or Eamon J. Wall, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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